

REMARKS

Claims 20-36 are now pending in the application. By this amendment, Claims 1-19 have been cancelled without prejudice or disclaimer of the subject matter contained therein and Claims 20-36 have been added. The basis for these new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding new claims and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4-17 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wilkinson (GB 2235780).

This rejection is respectfully traversed.

Applicants respectfully submit that this rejection is moot as Claims 1-19 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 3 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilkinson (GB 2235780).

Claims 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCain et al. (U.S. Patent No. 4,468,135) in view of Shim (U.S. Patent No. 5,421,247).

Claims 1, 5, 6, 7, 8, 9, 10, 11, 12, 15 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Butts (U.S. Patent No. 3,690,175) in view of Shim (U.S. Patent No. 5,421,247).

These rejections are respectfully traversed.

Applicants respectfully submit that this rejection is moot as Claims 1-19 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

DOUBLE PATENTING

Claims 1-4 and 6-19, stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2-6 of U.S. Patent No. 6,502,409.

Claims 1, 2, 4, 6, 7, 9, 10-13, 15-17, and 19 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-27 of U.S. Patent No. 6,378,315.

Claims 1-4, 6-8, and 10-18 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of co-pending U.S. Patent Application No. 10/390,308

These rejections are respectfully traversed.

Applicants respectfully submit that this rejection is moot as Claims 1-19 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

NEW CLAIMS

New Claims 20-36 have been added for consideration. New independent Claims 20 and 25 are directed toward a probe for simulating food product temperature in a refrigeration display case, whereby the probe includes a magnet or an attachment mechanism that selectively attaches the probe to the display case. See Specification at pg. 9, Paragraph [0024] and FIG. 4. Independent Claim 31 is directed toward a probe for simulating food product temperature in a refrigerated display case having a plate separating a thermal mass from a communication device. See Specification at pg. 10, Paragraph [0026], pg. 11, Paragraph [0027], and FIG. 4.

Applicants respectfully submit that independent Claims 20, 25, and 31, as well as dependent Claims 21-24, 26-30, and 32-36, respectively dependent therefrom, are not taught or suggested by the art of record. Accordingly, Applicants submit that Claims 20-36 are in a condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

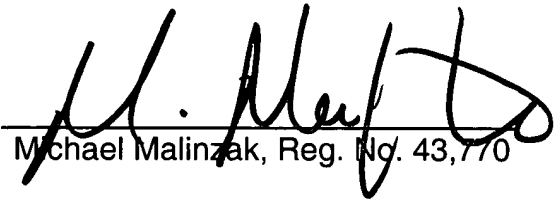
Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

December 6, 2004

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